

JOINT PUBLIC NOTICE

October 7, 2013

U.S. Army Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, LA 70160-0267

State of Louisiana
Department of Environmental Quality
Water Quality Certification Section
Post Office Box 4313
Baton Rouge, LA 70821-4313

Project Manager: Michael H. Herrmann
(504) 862-1954
Michael.h.herrmann@usace.army.mil
DA Permit Number: MVN-2003-02826-WLL

Project Manager: Jamie Phillippe
(225) 219-3225
WQC Number: 030604-02

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 U.S.C. 1344).

Application has also been made to the Louisiana Department of Environmental Quality for a Water Quality Certification (WQC) in accordance with statutory authority contained in La. R.S. 30:2074(A)(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217; 33 U.S.C. 1341).

CONSTRUCTION OF 2-ACRE POND IN HACKBERRY, LOUISIANA

Name of Applicant: James Bel, PO Box 2130, Lake Charles, Louisiana.

Location of Work: Off Louisiana Highway 390 near the community of Hackberry, Louisiana in Cameron Parish, as shown on the attached drawings. Project is located in the Calcasieu watershed, H.U.C. 08080206.

Character of Work: Construct a two acre fish and wildlife impoundment, four vegetated earthen terraces and install two 24 inch screw gate watercontrol structures, in accordance with drawings attached in ten sheets. Project impacts include 2 acres of scrub shrub tidal wetlands.

Mitigation in the form of two 1500-foot earthen, marsh terraces was originally proposed with this project to compensate for project related impacts.

This project was previously authorized on March 31, 2004 and the mitigation (marsh terraces) was completed in 2005 (photos attached); however, the impoundment was not constructed. The authorization expired March 31, 2009 and the applicant is seeking re-authorization. There are no changes to project design.

The comment period for the Department of the Army (DA) permit application and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this DA permit and WQC request and must be mailed, so as to be received before or by the last day of the comment period. Letters concerning the DA permit application must reference the applicant's name and the DA Permit Number, and be mailed to the U.S. Army Corps of Engineers at the address above. Similar letters concerning the WQC must reference the applicant's name and the WQC Number and be mailed to the Louisiana Department of Environmental Quality at the address above. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Project Manager listed above. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief

will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among these being: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to make, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

No properties listed on the National Register of Historic Places are known to be near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistoric, or historical sites or data. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of 2 acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Louisiana Department of Environmental Quality before a permit is issued.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The

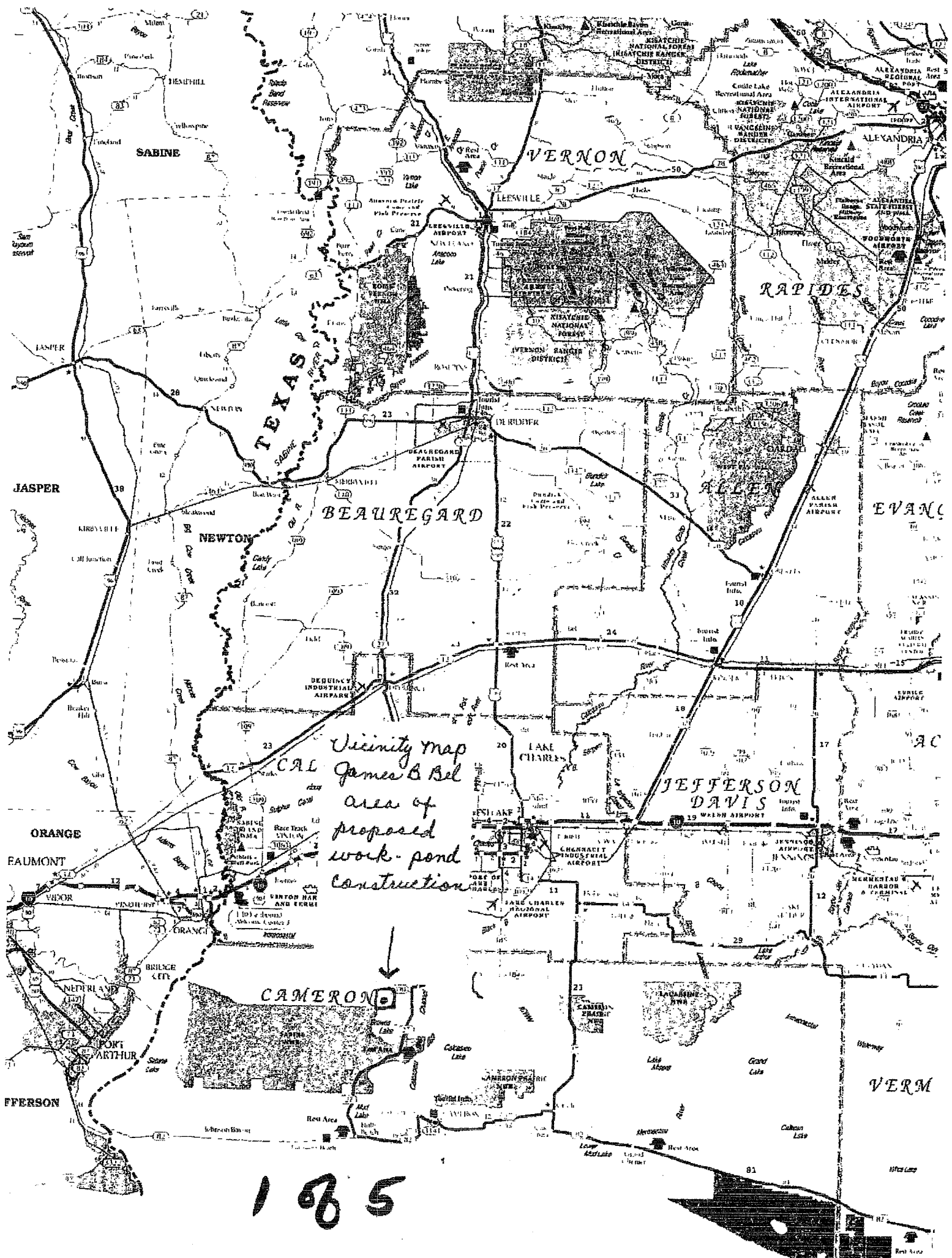
Department of the Army permit will not be issued unless the applicant receives approval or a waiver of the Coastal Use Permit by the Louisiana Department of Natural Resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

Enclosure



BROWNS LAKE QUADRANGLE

LOUISIANA-CAMERON PARISH

7.5 MINUTE SERIES ORTHOPHOTOMAP (TOPOGRAPHIC)

NW 1/4 CAMERON 15' QUADRANGLE

TRAIL 36
(MOSS LAKE)

45

46

462

1:350,000 FEET

93°22'30"

25'

480

2

23

24

19

x

WEST

BLACK
LAKE

WEST HACKBEE
STRATEGIC PETROLEUM RESE

7

26

Location map
General & Bell
proposed two
acre pond
with houses

→

KERRY

OIL

FIELD

Vincent

Island

285

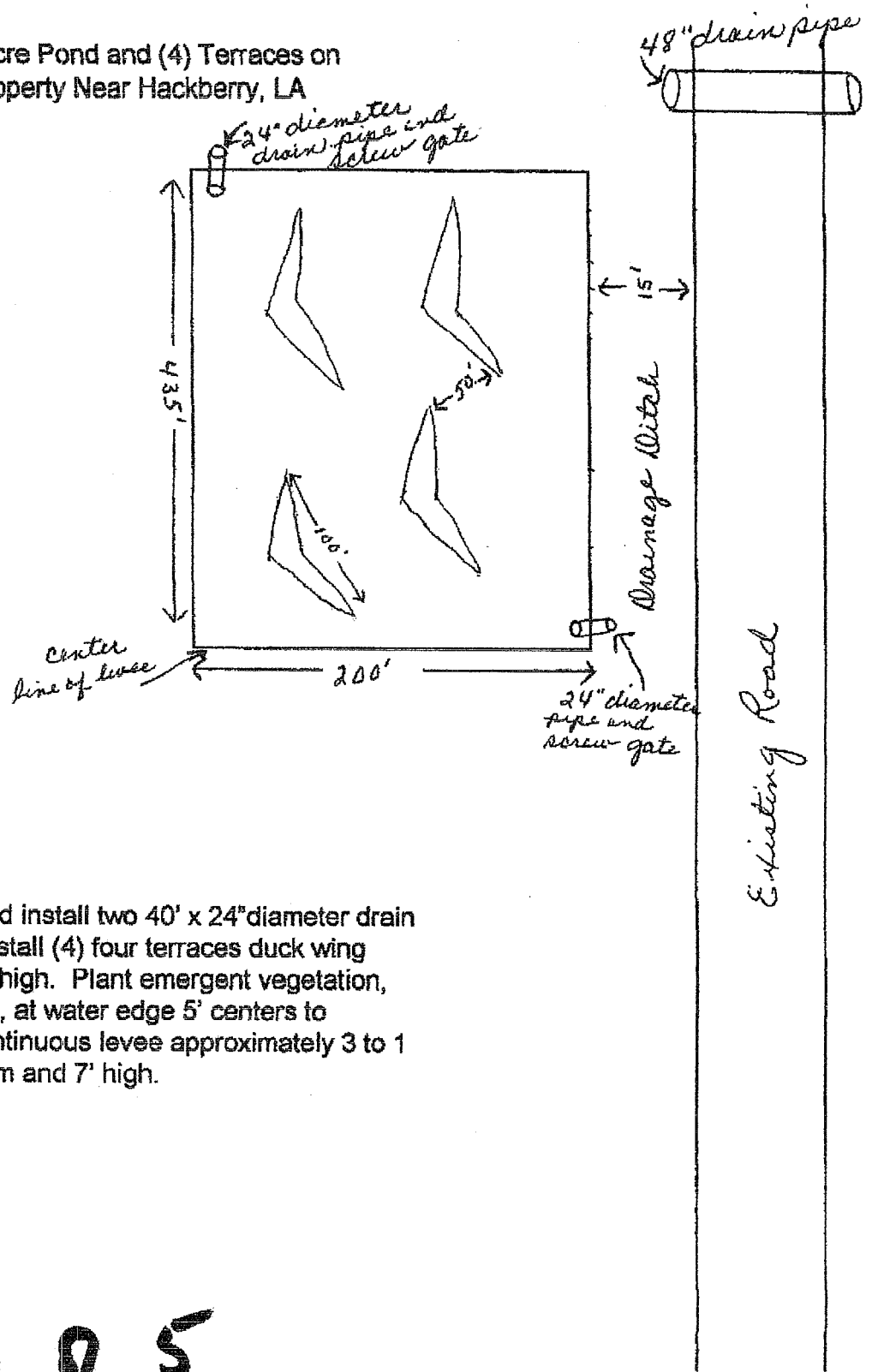
STARKS

NORTH

CANAL

Plan View of 2 Acre Pond and (4) Terraces on
James Bel Property Near Hackberry, LA

Drawings not
to scale.

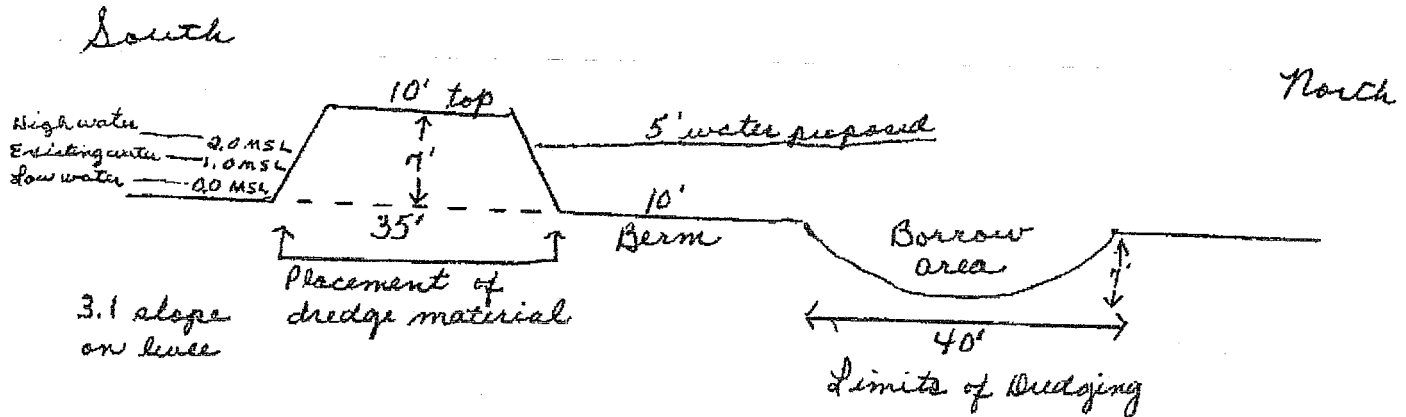


Approximately 2 acre pond install two 40' x 24" diameter drain pipes with screw gates. Install (4) four terraces duck wing 100' long 10' wide and 7' high. Plant emergent vegetation, either Spartina or Scirpus, at water edge 5' centers to retard erosion. Install continuous levee approximately 3 to 1 slope 10' top by 35' bottom and 7' high.

385

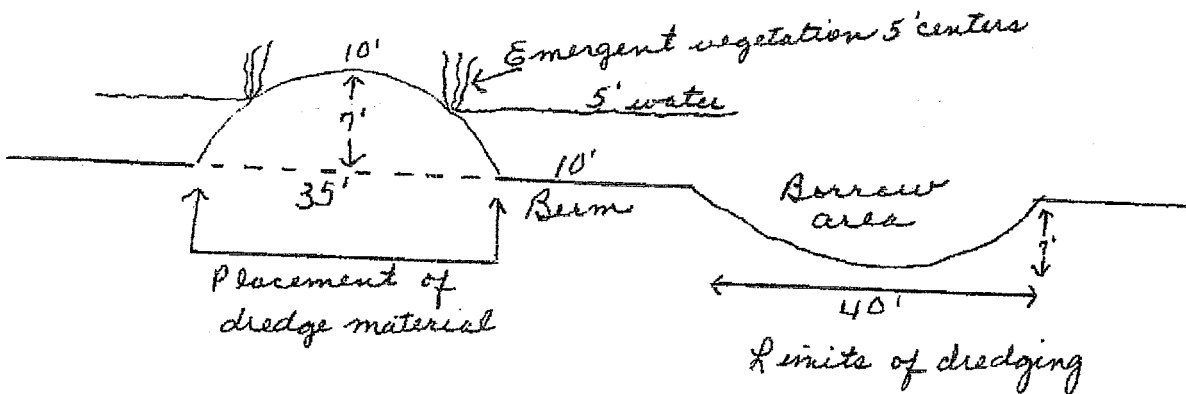
Cross Section of Earthen Levee and Terrace James Bel property near Hackberry, La.

Levee Cross Section



Drawings not to scale

Terrace Cross Section



Terraces will face in a southeast direction.

Drawings not to scale.

485

Management Plan for Water Control Structures (two 24" diameter screw gates)
 Jim Bel Two Acre Pond, Hackberry, LA

Drawdown Year	Structure Configuration	Management Objective
February 01 - July	Radial screw gate open on low tides, pump if necessary	Maintain water levels -12 to 16 " MSL until construction of terraces are completed and germination of annual grasses
July - January 31	Gates closed	Maintain target water levels (pump if necessary), plant terraces with appropriate vegetation, 5' centers both sides
Non Drawdown Year	Structure Configuration	Management Objective
Year round - February 01 - January 31	Closed: open occasionally	Remove excess rainfall and introduce brackish water for noxious weed control

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Sheet #1

Specifications for Jim Bel mitigation terraces built in 2005

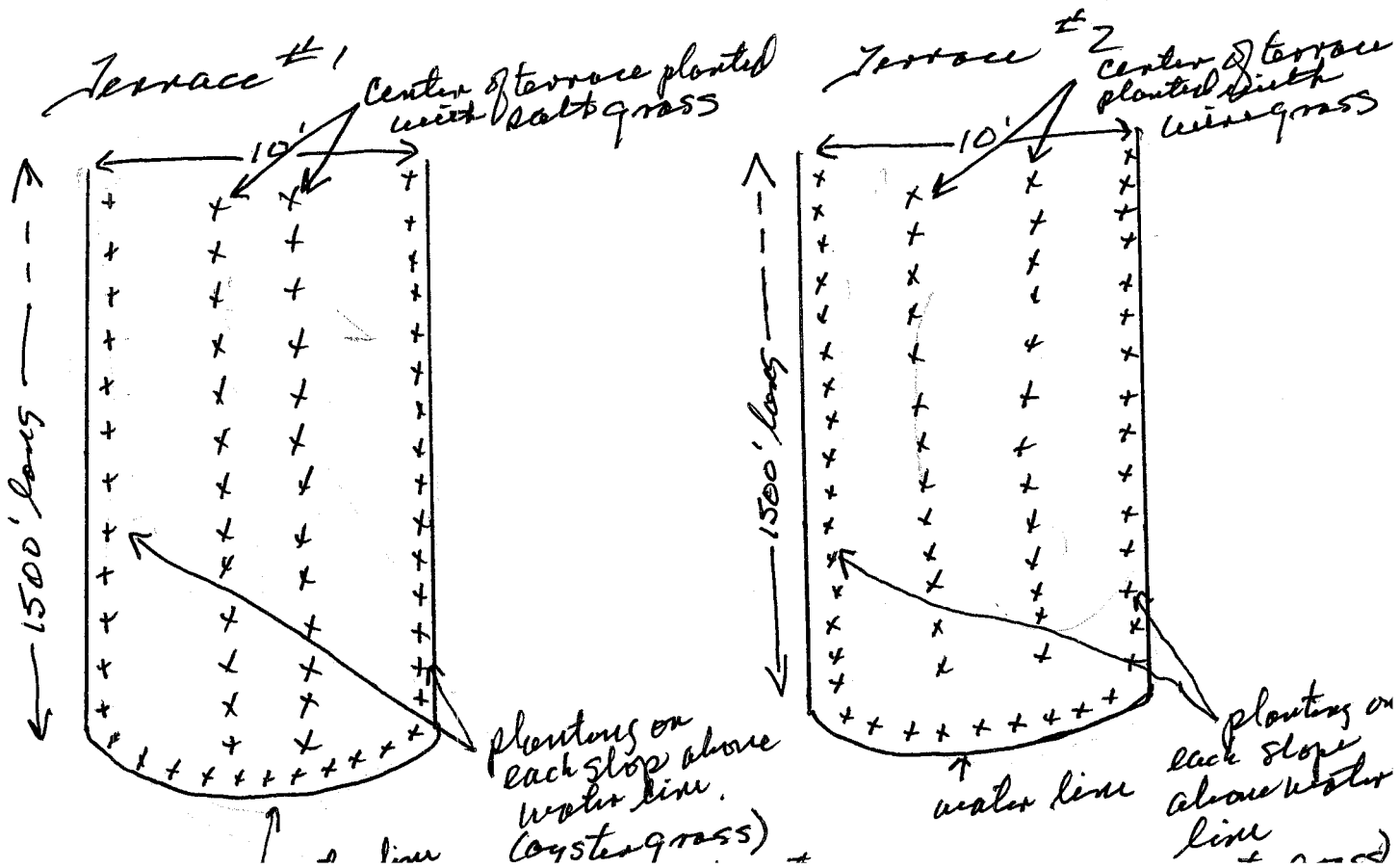
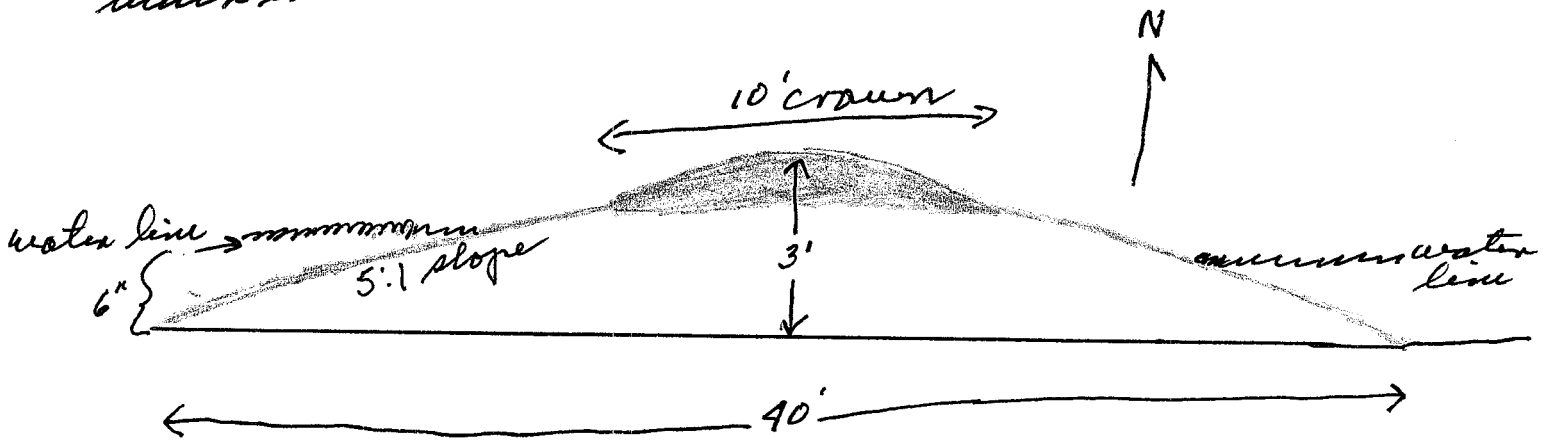
1. Two terraces 1,500 feet long were constructed on Jim Bel's property in 2005.
2. Base of each terrace was 40 feet, crown width of the terraces was 10 feet and 2.5 foot elevation above low water mark, with a borrow area about 20 feet wide.

Planting

1. The slope adjacent to the waterline was planted with oyster grass on both sides of each terrace and planted on 5-foot centers.
2. The center of terrace #1 was planted with salt grass, 2 rows on 5-foot centers each row.
3. The center of terrace #2 was planted with wire grass, 2 rows on 5-foot centers each row.

Sheet #2

Jim Bel's mitigation terraces cross section built in 2005



Sheet #3

Jim Bel Mitigation terraces cross
section built in 2005 along with borrow canal

